

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 204, “Subsidized Guardianship Program,” Iowa Administrative Code.

The proposed amendments end the subsidized guardianship program currently administered under a federal waiver demonstration project. Public Law 110-351, the Fostering Connections to Success and Increasing Adoptions Act of 2008, makes federal funding available under Title IV-E of the Social Security Act for an ongoing guardianship subsidy program. The Act also states that guardianship subsidy agreements entered into after September 28, 2008, under a demonstration project are no longer eligible for federal IV-E matching funds.

The Department proposed rule amendments to switch from the demonstration waiver to an ongoing program and notified the federal government that Iowa’s demonstration project would end on February 1, 2010. (Notice of Intended Action on those amendments was published in the Iowa Administrative Bulletin on September 23, 2009, as **ARC 8183B**.) Subsequently, the Department determined that it has insufficient resources to implement a subsidized guardianship program under the federal Act. Rule-making proceedings were terminated in a Notice of Termination published on March 10, 2010, as **ARC 8613B**.

These amendments will end a permanency option available to children in foster care who were randomized into the experimental group under the demonstration project. Guardianship subsidy agreements in place based on a valid application signed before August 31, 2010, will be honored until grounds for termination of the subsidy exist, as specified in Chapter 204.

These amendments do not provide for waivers in specified situations because no federal funding is available to the Department to continue this program. The Department’s authorization to implement the program (contained in 2006 Iowa Acts, chapter 1184, section 17, subsection 10) was conditional on the availability of federal funds.

Any interested person may make written comments on the proposed amendments on or before May 11, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code section 234.6.

The following amendments are proposed.

ITEM 1. Amend **441—Chapter 204**, Preamble, as follows:

#### PREAMBLE

This chapter ~~implements~~ implemented a five-year demonstration waiver project for a subsidized guardianship program to provide financial assistance to guardians of eligible children who are not able to be adopted and who are not able to return home. ~~The purpose of the project is to test new approaches to service delivery for improving outcomes for children and families and to allow children a more permanent placement than they have in foster care.~~ Notification has been given to the United States Department of Health and Human Services that the demonstration project will end effective September 1, 2010. A subsidized guardianship agreement authorized under this chapter will remain in effect until the agreement is terminated under the terms of this chapter.

~~Eligible children will be randomly assigned to a control group or to an experimental group. Children assigned to the control group will not be eligible to receive subsidized guardianship. Children assigned to the experimental group will be eligible to receive subsidized guardianship if all other conditions are met. This waiver project may be extended or renewed after the five years through reauthorization by the federal government.~~

ITEM 2. Rescind rule 441—204.3(234) and adopt the following **new** rule in lieu thereof:

**441—204.3(234) Application.** Applications for the subsidized guardianship program shall not be accepted after August 31, 2010.

ITEM 3. Amend rule 441—204.6(234), introductory paragraph, as follows:

**441—204.6(234) Termination of subsidy.** A guardianship subsidy agreement negotiated based on an application signed on or before August 31, 2010, shall remain in effect until the subsidy is terminated based on one of the grounds listed in this rule. The subsidy shall terminate when any of the following occur, and a notice shall be sent which states the reason for the termination: